

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

YES:	9
NO:	2

### MR. SPEAKER:

*Your Committee on* **Elections and Apportionment**, to which was referred Senate  
Bill 293, has had the same under consideration and begs leave to report the same back to the  
House with the recommendation that said bill **be amended** as follows:

- 1 Page 3, delete lines 4 through 20.
- 2 Page 7, delete lines 32 through 42.
- 3 Delete page 8.
- 4 Page 9, delete lines 1 through 25.
- 5 Page 9, delete lines 37 through 42.
- 6 Page 10, delete lines 1 through 5.
- 7 Page 13, delete lines 1 through 15.
- 8 Page 13, line 21, reset in roman "error".
- 9 Page 13, line 22, delete "voter registration".
- 10 Page 13, delete lines 26 through 35.
- 11 Page 13, line 38, reset in roman "error".
- 12 Page 13, line 38, delete "voter registration".
- 13 Page 14, delete lines 2 through 16.
- 14 Page 15, delete lines 36 through 42, begin a new paragraph and
- 15 insert:
- 16 "SECTION 21. IC 3-11-4-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is  
 2 otherwise qualified to vote in person is entitled to vote by absentee  
 3 ballot: ~~Except~~

4 **(1) by mail;**

5 **(2) before an absentee voter board** as ~~otherwise~~ provided in this  
 6 article; ~~a voter voting by absentee ballot must vote~~

7 **(3)** in the office of the circuit court clerk (or board of elections  
 8 and registration in a county subject to IC 3-6-5.2); or

9 **(4)** at a satellite office established under IC 3-11-10-26.3.

10 (b) A county election board, by unanimous vote of its entire  
 11 membership, may authorize a person who is otherwise qualified to vote  
 12 in person to vote by absentee ballot if the board determines that the  
 13 person has been hospitalized or suffered an injury following the final  
 14 date and hour for applying for an absentee ballot that would prevent the  
 15 person from voting in person at the polls.

16 (c) The commission, by unanimous vote of its entire membership,  
 17 may authorize a person who is otherwise qualified to vote in person to  
 18 vote by absentee ballot if the commission determines that an  
 19 emergency prevents the person from voting in person at a polling place.

20 (d) The absentee ballots used in subsection (b) or (c) must be the  
 21 same official absentee ballots as described in section 12 and 13 of this  
 22 chapter. Taking into consideration the amount of time remaining before  
 23 the election, the commission shall determine whether the absentee  
 24 ballots are transmitted to and from the voter by mail or personally  
 25 delivered. An absentee ballot that is personally delivered shall comply  
 26 with the requirements in sections 19, 20, and 21 of this chapter.

27 SECTION 22. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,  
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2007]: Sec. 2. (a) A voter who wants to vote by absentee  
 30 ballot must apply to the county election board for an official absentee  
 31 ballot. Except as provided in subsection (b), the voter must sign the  
 32 absentee ballot application.

33 (b) If a voter with disabilities is unable to sign the absentee ballot  
 34 application and the voter has not designated an individual to serve as  
 35 attorney in fact for the voter, the county election board may designate  
 36 an individual to sign the application on behalf of the voter. If an  
 37 individual applies for an absentee ballot as the properly authorized  
 38 attorney in fact for a voter, the attorney in fact must attach a copy of the

1 power of attorney to the application.

2 (c) A person may provide an individual with an application for an  
3 absentee ballot with the following information already printed or  
4 otherwise set forth on the application when provided to the individual:

- 5 (1) The name of the individual.
- 6 (2) The voter registration address of the individual.
- 7 (3) The mailing address of the individual.
- 8 (4) The date of birth of the individual.
- 9 (5) The voter identification number of the individual.

10 (d) A person may not provide an individual with an application for  
11 an absentee ballot with the following information already printed or  
12 otherwise set forth on the application when provided to the individual:

- 13 (1) The address to which the absentee ballot would be mailed, if  
14 different from the voter registration address of the individual.
- 15 (2) In a primary election, the major political party ballot requested  
16 by the individual.
- 17 (3) In a primary or general election, the types of absentee ballots  
18 requested by the individual.
- 19 ~~(4) The reason why the individual is entitled to vote an absentee~~  
20 ~~ballot.~~

- 21 ~~(A) by mail; or~~
- 22 ~~(B) before an absentee voter board (other than an absentee~~  
23 ~~voter board located in the office of the circuit court clerk or a~~  
24 ~~satellite office);~~
- 25 ~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or~~  
26 ~~IC 3-11-10-25.~~

27 (e) If the county election board determines that an absentee ballot  
28 application does not comply with subsection (d), the board shall deny  
29 the application under section 17.5 of this chapter.

30 (f) A person who assists an individual in completing any  
31 information described in subsection (d) on an absentee ballot  
32 application shall state under the penalties for perjury the following  
33 information on the application:

- 34 (1) The full name, residence and mailing address, and daytime  
35 and evening telephone numbers (if any) of the person providing  
36 the assistance.
- 37 (2) The date this assistance was provided.
- 38 (3) That the person providing the assistance has complied with

1 Indiana laws governing the submission of absentee ballot  
2 applications.

3 (4) That the person has no knowledge or reason to believe that the  
4 individual submitting the application:

5 (A) is ineligible to vote or to cast an absentee ballot; or

6 (B) did not properly complete and sign the application.

7 (g) This subsection does not apply to an employee of the United  
8 States Postal Service or a bonded courier company acting in the  
9 individual's capacity as an employee of the United States Postal Service  
10 or a bonded courier company. A person who receives a completed  
11 absentee ballot application from the individual who has applied for the  
12 absentee ballot shall file the application with the appropriate county  
13 election board not later than:

14 (1) noon seven (7) days after the person receives the application;

15 or

16 (2) the deadline set by Indiana law for filing the application with  
17 the board;

18 whichever occurs first.

19 (h) This subsection does not apply to an employee of the United  
20 States Postal Service or a bonded courier company acting in the  
21 individual's capacity as an employee of the United States Postal Service  
22 or a bonded courier company. A person filing an absentee ballot  
23 application, other than the person's own absentee ballot application,  
24 must sign an affidavit at the time of filing the application. The affidavit  
25 must be in a form prescribed by the commission. The form must  
26 include the following:

27 (1) A statement of the full name, residence and mailing address,  
28 and daytime and evening telephone numbers (if any) of the person  
29 submitting the application.

30 (2) A statement that the person filing the affidavit has complied  
31 with Indiana laws governing the submission of absentee ballot  
32 applications.

33 (3) A statement that the person has no knowledge or reason to  
34 believe that the individual whose application is to be filed:

35 (A) is ineligible to vote or to cast an absentee ballot; or

36 (B) did not properly complete and sign the application.

37 (4) A statement that the person is executing the affidavit under the  
38 penalties of perjury.

1 (5) A statement setting forth the penalties for perjury.

2 (i) The county election board shall record the date and time of the  
3 filing of the affidavit.

4 SECTION 23. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,  
5 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications~~  
7 ~~described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot~~  
8 ~~by mail;~~ The county election board shall, at the request of ~~the~~ a voter,  
9 mail the official ballot, postage fully prepaid, to the voter at the address  
10 stated in the application.

11 (b) If the county election board mails an absentee ballot to a voter  
12 required to file additional documentation with the county voter  
13 registration office before voting by absentee ballot under this chapter,  
14 the board shall include a notice to the voter in the envelope mailed to  
15 the voter under section 20 of this chapter. The notice must inform the  
16 voter that the voter must file the additional documentation required  
17 under IC 3-7-33-4.5 with the county voter registration office not later  
18 than noon on election day for the absentee ballot to be counted as an  
19 absentee ballot, and that, if the documentation required under  
20 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the  
21 ballot will be processed as a provisional ballot. The commission shall  
22 prescribe the form of this notice under IC 3-5-4-8.

23 (c) Except as provided in section 18.5 of this chapter, the ballot  
24 shall be mailed:

- 25 (1) on the day of the receipt of the voter's application; or  
26 (2) not more than five (5) days after the date of delivery of the  
27 ballots under section 15 of this chapter;  
28 whichever is later.

29 (d) In addition to the ballot mailed under subsection (c), the county  
30 election board shall mail a special absentee ballot for overseas voters.

31 (e) Except as provided in section 18.5 of this chapter, the ballot  
32 described in subsection (d):

- 33 (1) must be mailed:  
34 (A) on the day of the receipt of the voter's application; or  
35 (B) not more than five (5) days after the latest date for delivery  
36 of the ballots under section 13(b) of this chapter applicable to  
37 that election;  
38 whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.".

Delete page 16.

Page 17, delete lines 1 through 17.

Page 18, between lines 7 and 8, begin a new paragraph and insert:  
"SECTION 25. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or

injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 26. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine~~ **(29) twenty-eight (28)** days nor later than noon on the day before



1 election day.

2 (d) An absent uniformed services voter who is eligible to vote by  
 3 absentee ballot in the circuit court clerk's office under IC 3-7-36-14  
 4 may vote before the board not earlier than ~~twenty-nine (29)~~  
 5 **twenty-eight (28)** days before the election and not later than noon on  
 6 election day. If a voter described by this subsection wishes to cast an  
 7 absentee ballot during the period beginning at noon on the day before  
 8 election day and ending at noon on election day, the county election  
 9 board or absentee voter board may receive and process the ballot at a  
 10 location designated by resolution of the county election board.

11 (e) The absentee voter board in the office of the circuit court clerk  
 12 must permit voters to cast absentee ballots under this section for at  
 13 least seven (7) hours on each of the two (2) Saturdays preceding  
 14 election day.

15 (f) Notwithstanding subsection (e), in a county with a population of  
 16 less than twenty thousand (20,000), the absentee voter board in the  
 17 office of the circuit court clerk, with the approval of the county election  
 18 board, may reduce the number of hours available to cast absentee  
 19 ballots under this section to a minimum of four (4) hours on each of the  
 20 two (2) Saturdays preceding election day.

21 (g) As provided by 42 U.S.C. 15481, a voter casting an absentee  
 22 ballot under this section must be:

23 (1) permitted to verify in a private and independent manner the  
 24 votes selected by the voter before the ballot is cast and counted;  
 25 (2) provided with the opportunity to change the ballot or correct  
 26 any error in a private and independent manner before the ballot is  
 27 cast and counted, including the opportunity to receive a  
 28 replacement ballot if the voter is otherwise unable to change or  
 29 correct the ballot; and

30 (3) notified before the ballot is cast regarding the effect of casting  
 31 multiple votes for the office and provided an opportunity to  
 32 correct the ballot before the ballot is cast and counted.

33 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is  
 34 provided under this section, the board must also provide the voter with:

35 (1) information concerning the effect of casting multiple votes for  
 36 an office; and

37 (2) instructions on how to correct the ballot before the ballot is  
 38 cast and counted, including the issuance of replacement ballots.

1 (i) If:

2 (1) the voter is unable or declines to present the proof of  
3 identification; or

4 (2) a member of the board determines that the proof of  
5 identification provided by the voter does not qualify as proof of  
6 identification under IC 3-5-2-40.5;

7 the voter shall be permitted to cast an absentee ballot and the voter's  
8 absentee ballot shall be treated as a provisional ballot.

9 **(j) The county election board, by unanimous vote of the entire**  
10 **membership of the board, may adopt a resolution providing that**  
11 **absentee ballots be cast at satellite offices instead of in the office of**  
12 **the circuit court clerk (or board of elections and registration in a**  
13 **county subject to IC 3-6-5.2).**

14 SECTION 27. IC 3-11-15-43 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) The audit record  
16 provisions in this chapter are essential to the complete recording of  
17 election operations and reporting of the vote tally. This list of audit  
18 records must reflect all of the idiosyncrasies of a system.

19 (b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the**  
20 **following:**

21 (1) Produce a permanent paper record with a manual audit  
22 capacity for the system. ~~and~~

23 **(2) Permit the voter to examine the paper record of the voter's**  
24 **vote to verify the voter's votes. This subdivision applies only**  
25 **to a voting system purchased, leased, or lease purchased after**  
26 **April 30, 2007.**

27 ~~(2)~~ **(3)** Provide the voter with an opportunity to change the ballot  
28 or correct any error before the permanent paper record is  
29 produced.

30 (c) The paper record produced under subsection (b) ~~must be made~~  
31 ~~available as~~ **is** an official record for a recount or contest conducted with  
32 respect to any election in which the voting system was used.

33 **(d) A voter may not keep the paper record the voter has**  
34 **examined under subsection (b)(3)."**

35 Page 18, line 16, reset in roman "error".

36 Page 18, line 17, delete "voter registration"

37 Page 18, delete lines 41 through 42, begin a new paragraph and  
38 insert:

"SECTION 29. IC 3-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 1.5. Auditing Election Results**

**Sec. 1. This chapter applies to an election in which ballots are counted other than by hand.**

**Sec. 2. As used in this chapter, "appropriate statistical sample" refers to a sample of ballots or precincts randomly chosen to produce a statistically significant result.**

**Sec. 3. (a) After each general election, the commission shall conduct an audit of the election.**

**(b) An audit conducted under this section must do the following:**

**(1) Hand count an appropriate statistical sample of the ballots cast on ballot cards from the following in each county:**

**(A) If the year is a year in which an election for electors of President and Vice President of the United States is conducted, that election.**

**(B) At least one (1) election for a state office.**

**(2) Audit the performance of an appropriate statistical sample of the results from electronic voting systems.**

**(c) A sample shall be chosen of each of the following for each county:**

**(1) All precincts within the county.**

**(2) All absentee ballots.**

**(3) All ballots cast at a vote center under IC 3-11-18.**

**Sec. 4. (a) The commission shall take any action:**

**(1) required by this chapter; and**

**(2) requiring statistical or sampling knowledge only after consultation with a panel designated under subsection (b).**

**(b) Each commission member may designate an individual who has a doctoral degree in statistics, or the equivalent of such a degree, to serve on a statistical advisory panel to assist the commission with decisions and analysis of data requiring knowledge of statistics.**

**Sec. 5. Upon completion of an audit required by this chapter, the commission shall issue an audit report that contains the commission's findings, including findings on the reliability of voting systems used in the election.**

1       SECTION 30. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006,  
 2       SECTION 138, IS AMENDED TO READ AS FOLLOWS  
 3       [EFFECTIVE UPON PASSAGE]: Sec. 6. A manager or an employee  
 4       may use ~~any~~ **either** of the following methods to transmit paper copies  
 5       of voter registration applications under section 4 of this chapter:

6           (1) Hand delivery to the county voter registration office.

7           (2) ~~Certified First class United States mail. return receipt~~  
 8           ~~requested."~~.

9       Page 19, delete lines 1 through 24.

10      Page 20, delete lines 15 through 16, begin a new paragraph and  
 11      insert:

12      "SECTION 33. IC 3-7-36-11 IS REPEALED [EFFECTIVE UPON  
 13      PASSAGE].

14      SECTION 34. [EFFECTIVE JULY 1, 2007] **(a) As used in this**  
 15      **SECTION, "committee" refers to the census data advisory**  
 16      **committee established by IC 2-5-19-2.**

17      **(b) The committee shall do the following:**

18           **(1) Study all issues relating to the possibility of changing the**  
 19           **current voting systems by conducting all elections by mail-in**  
 20           **ballots.**

21           **(2) Assess the results of permitting voters to cast absentee**  
 22           **ballots without requiring voters to state a reason for casting**  
 23           **absentee ballots.**

- 1           **(3) Make any recommendations regarding the issues**
- 2           **described in subdivision (1) and the assessment required by**
- 3           **subdivision (2).**
- 4           **(c) This SECTION expires January 1, 2008."**
- 5           Renumber all SECTIONS consecutively.  
(Reference is to SB 293 as printed February 9, 2007.)

**and when so amended that said bill do pass.**

---

Representative Pierce